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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,682	07/15/2003	Sarah Elizabeth Witt	282536US8X	7074
22850 7590 05/30/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BRIER, JEFFERY A	
			ART UNIT 2628	PAPER NUMBER
			NOTIFICATION DATE 05/30/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/619,682

Applicant(s)

WITT ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/12/2007 has been entered.

### ***Response to Amendment***

2. The amendment filed on 03/15/2007 has been entered. The amendment to claim 17 overcomes the 35 USC 101 rejection. The amendments to independent claims 1, 16, and 17 while overcoming the previous 35 USC 112 second paragraph rejection introduce a new 35 USC 112 second paragraph issue set forth below.

### ***Response to Arguments***

3. Applicant's arguments filed 03/15/2007 concerning Kitsutaka have been fully considered but they are not persuasive. At page 8 applicant addresses Kitsutaka in the fourth full paragraph. Applicant initially argues that "Kitsutaka does not disclose drawing the sharp original image over the alpha-blended image", however, Kitsutaka does draw the original image over the defocused image due to the alpha-synthesis process as

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discussed at column 8 lines 57-61 and since applicants specification does not define the alpha value used during the claimed "draw". Applicants specification in the description of figure 9B in the paragraph spanning pages 15 and 16 discusses "superposing" using an alpha value of 1 but does not define "draw". Thus, Kitsutaka's alpha-synthesis of original image with the defocused image meets the draw limitation of applicants claim. Applicant further argues "Kitsutaka does not disclose that only the anti-aliased edges which extend outside an area of said original foreground image remain exposed", however, Kitsutaka teaches at column 8 lines 57-63 the original image is alpha-synthesized with the defocused image which results in the original image and the defocused edge which extend outside an area of the original image remain exposed. Kitsutaka meets the claim limitation "so that only the anti-aliased edges which extend outside an area of said original foreground image remain exposed" because in view of applicants specification the original image drawn over the anti-aliased image results in the original image and the anti-aliased edges that extend beyond the original image remain exposed.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

Applicants added to independent claim 1 at line "so that only the anti-aliased edges which extend outside an area of said original foreground image remain exposed" while step 1530 is described at page 17 lines 6-9 as "At stage 1530 an original non anti-aliased version of the foreground image is drawn on top of the primitive processed version. Due to the blurring of edges resulting from anti-aliasing, the outer periphery of the underlying primitive processed image remains exposed.". Thus, the amendment to claim 1 appears to be claiming that "only" the anti-aliased edges remain exposed while not clearly claiming the contents of the area surrounded by the anti-aliased edges.

Claims 2:

The claim does not clearly specify if the output signal in the outputting a signal step of claim 1 is based upon the combined image formed by the second processing or is based upon the "superposing said peripheral edge regions of said low-pass filtered image over said combined image" of claim 2.

Claims 3-8:

These dependent claims do not correct the above noted issue present in claims 1 and 2.

Claims 16 and 17:

These independent claims were amended similar to claim 1 and both have the same above noted issues present in claim 1, thus, these claims are rejected for the same reasons given for claim 1.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 16, and 17 rejected under 35 U.S.C. 102(e) as being anticipated by Kitsutaka, US Patent No. 7,042,463. Kitsutaka describes at column 8 line 57 to column 9 line 14 with reference to figure 2 defocusing an original image and then superposing the original image onto the defocused image. Kitsutaka also teaches at column 14 line 67 anti-aliasing the original image as it is generated. Kitsutaka also teaches at column 16 line 56 an alternative method of defocusing by offsetting the original image. Thus, due to the breadth of claims 1, 16, and 17 Kitsutaka teaches these claims. A detailed analysis follows.

Claim 1:

Kitsutaka teaches a video processing method for preparing an anti-aliased foreground image for display over an image background, said method comprising:

generating original foreground image signals by manipulation of a contiguous group of graphics primitives (*The image generating section 130 generates an image by the method of polygons which are graphics primitives, column 6 lines 62-67, column 7*

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*lines 16-24, and column 7 line 65-column 8 line 2. The drawing processor 910 also generates graphics primitives. Column 14 line 55 to column 15 line 2.);*

*applying anti-aliasing filtering to edges of each primitive of said group of primitives to generate primitive-processed image signals (Kitsutaka discusses anti-aliasing with regard to the drawing processor 910 which generates graphics primitives and can anti-alias the generated primitives, see column 14 line 55 to column 15 line 2 and anti-alias at column 14 line 67.);*

*preparing said image background for display (This system is designed for games which to one of ordinary skill in the art have foreground objects over a background. Also at column 16 lines 62-65 discusses a foreground object merging with the background. Thus, Kitsutaka teaches preparing an image background for display.);*

*first processing said primitive-processed image signals to alpha blend said primitive-processed image over said image background(The image generating section 130 generates an image by the method of polygons which are graphics primitives and performs various processing the polygons. The drawing processor 910 also generates graphics primitives and can in addition to anti-alias perform various processing on the polygons . Column 14 line 64-67. Anti- aliasing the primitive alters the edge pixels such that their values have changed resulting in different RGBA values for at lest each pixel that extends beyond the original edge of the primitive. Thus, Kitsutaka teaches first processing by superposing the anti-aliased primitive foreground object by alpha synthesis the anti-aliased original foreground primitive object over the background.), where alpha values of the edges of each primitive of said group of graphics primitives*

are determined by the anti-aliasing filtering (*Alpha value generating section 134, see column 7 lines 25-39, determines the alpha values applied to the edges of the primitive during defocusing. As discussed above for the "applying anti-aliasing filtering" limitation of this claim the original image's primitive is anti-aliased at the edges of the primitive which anti-aliasing the primitive alters the edge pixels such that their values have changed resulting in different RGBA values for at least each pixel that extends beyond the original edge of the primitive. Thus, Kitsutaka teaches alpha values of the edges of each primitive of said group of graphics primitives are determined by the anti-aliasing filtering.*); and

second processing said original foreground image signals to draw said original foreground image over said alpha-blended primitive-processed image so that only the ant aliased edges which extend outside an area of said original foreground image remain exposed (*At column 8 line 57 to column 9 line 14 with reference to figure 2 the original image is drawn or superposed onto the defocused image by alpha-synthesis. Kitsutaka teaches at column 8 lines 57-63 the original image is alpha blended with the defocused image which results in the original image and the defocused edge which extend outside an area of the original image remain exposed. Kitsutaka meets the claim limitation "so that only the anti-aliased edges which extend outside an area of said original foreground image remain exposed" because in view of applicants specification the original image drawn over the anti-aliased image results in the original image and the anti-aliased edges that extend beyond the original image remain exposed.*); and



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outputting a signal for displaying said anti-aliased foreground image generated based on said original foreground image drawn over said alpha-blended primitive-processed image (*Display 190, see column 6 lines 17-20, receives a signal output for displaying said anti-aliased foreground image generated based on said original foreground image drawn over the defocused primitive-processed image.*).

Claim 16:

This apparatus claim claims the same functions found in claim 1 and this claim is rejected for the reasons given for claim 1. Additionally Kitsutaka teaches the claimed apparatus for performing the claimed functions and these apparatus were addressed in the rejection of claim 1.

Claim 17:

This program storage medium claim claims the same functions found in claim 1 and this claim is rejected for the reasons given for claim 1. Additionally Kitsutaka teaches the claimed program storage medium at column 6 lines 36-42.

***Allowable Subject Matter***

8. Claims 2-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. When adding the limitations of claim 2 into claim 1 applicant should integrate claim 2 into the second processing limitation of claim 1.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/  
Primary Examiner, Division 2628